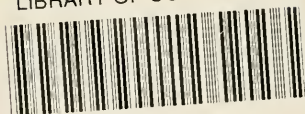


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ADDRESS

TO THE PEOPLE

OF THE

CONGRESSIONAL DISTRICT

OF

CHARLESTON.

By THE HON. WILLIAM DRAYTON.



CHARLESTON, S. C.

PRINTED AT THE CHARLESTON PRESS, BY WM. ESTILL.

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1832.

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ADDRESS.

FELLOW-CITIZENS.—In consequence of the near approach of the period when the payment of the public debt was anticipated, it was naturally expected and desired that the late Congress, before its adjournment, would revise and so modify the Tariff act of 1828, as to reduce, considerably, the amount of the revenue which it provided for, and also the rate of the duties which were levied under it, upon the importation of protected articles. As early as January, 1832, two resolutions of the House of Representatives directed the Secretary of the Treasury “to collect information as to certain manufactures in the United States, and to communicate the same to the House, with such suggestions as he might think useful, with a view to the adjustment of the tariff, and with such a tariff of duties on imports, as might, in his opinion, be best adapted to the advancement of the public interest.” In the report made by the Secretary of the Treasury in compliance with these resolutions, he remarked that the impost system “of the United States has been for many years, incidentally, but so intimately connected with the growth and protection of American capital and labour, as to have raised up a great national interest indispensable to the prosperity of the country and which cannot be lost sight of, in any new adjustment of the system. In the circumstances which require, at present, a general reduction of the revenue, it is not deemed practicable to pursue, for any length of time, the degree of protection hitherto afforded to those interests which have grown up under the past legislation. The state of public feeling throughout an important portion of the country, which, with greater or less intensity, calls for a revision of the existing tariff, is not to be disguised. Both patriotism and wisdom dictate that this sentiment should be respected and as far as may be compatible with the common weal, that it be satisfied, not from any unworthy motive, but under that obligation of duty which requires that all be regarded with an equal eye; that all be borne upon with an equal hand; and under that no less solemn obligation, to preserve by any reasonable concessions, our inestimable Union.” In the spirit of these sentiments, which redound so much to the credit of the head and the heart of the Sec-

etary, he prepared a bill for Congress, which, with some alterations, would in my judgment, have been peculiarly adapted to meet the exigencies of the times. This bill was referred to the committee on Manufactures of the House of Representatives, who professed to make it the basis of a bill reported by them, which, after having received various amendments, became a law on the 14th of July 1832.

For the vote which was given by me upon the final passage of this bill, all the newspapers throughout the State, which are attached to the doctrine of Nullification, have charged me with having sacrificed the interests of my constituents, and with having acted inconsistently with opinions which I had previously expressed. Anxious that my fellow-citizens, whether they be my political friends or foes, should be in possession of the motives of my political conduct, in order that they may be enabled to determine whether I merit their confidence, or have justly exposed myself to their censure, I will submit to them the reasons that governed me upon the subject under consideration.

The provisions of the tariff act of 1832, are, by no means, such as I desired them to have been; but when they were under discussion, before Congress, the problem for the solution of the members of that Body, was not, in ordinary circumstances, what a Tariff act ought to be, nor in what manner it should be drawn, so as to satisfy the manufactures of the North, or the agriculturists of the South—the exclusive friends of protection, on the one hand, or of free trade on the other;—but whether any middle course could be devised, which would reconcile conflicting prejudices and interests—allay the fury raging in the bosoms of the two great Tariff parties into which the people were divided, and prevent that collision between them, which might, not only, disturb the harmony but endanger the existence of the Union.

The difficulty of effecting this arrangement, was, probably, greater than any which had ever been presented to the deliberations of Congress, since the adoption of the Federal Constitution. While a large minority of the people regard a protective tariff to be unauthorized by the Constitution, a majority of them have arrived at a diametrically opposite conclusion. If all those who were hostile to a protective tariff, pronounced it to be unconstitutional, and all those who were in favor of it, pronounced it to be constitutional, it might, naturally, be presumed that these discordant inferences resulted from sectional prejudices or individual interests. But such is not the relative position of the contending parties. The advocates of protection are unanimous, on their side of the question, whereas its adversaries differ among themselves. Many of the most intelligent delegates of the Free Trade Convention which met in Philadelphia in September last, expressed their conviction of the legitimate power of Congress to pass protective tariff acts, though

they condemn their principle, as fraught with evil and injustice: and the same opinions were avowed by Mr. Gallatin, the author of a memorial from that Convention in which the injurious consequences of legislative interference with the capital and labor of individuals, are demonstrated with an ability and clearness, which have not been equalled by any production which has issued from the American press. The majority of the people not only think that protective duties are constitutional, but they are as confident that they are essential to the advancement of the general weal; and in support of their views, they rely upon the numerous protective Tariff acts which have been passed, and upon the approbation of them by every President of the United States. The minority are as thoroughly convinced, that a Protective Tariff impairs the prosperity of the great mass of the community, and subjects them to a heavy taxation for the benefit of the, comparatively, few. When the people thus differ upon a subject, in which their interests are deeply involved—when those interests are believed to be fostered or depressed, by legislation, according to geographical positions, it must be obvious, that Congress could pass no act so modifying protection as to give complete and general satisfaction. The only course, therefore, which the late Congress could adopt to calm the public excitement, and to arrest the perilous march of deep and bitter discontent, was to propose a law upon the basis of mutual concession and compromise. Upon this basis the act of July, 1832, was founded, by which the conditions of concession and compromise were understood to be, that the advocates of restriction should consent to a considerable reduction in the rate of protective duties and in the amount of revenue to be collected from imports and that some changes should be made in those parts of the system where its pressures was peculiarly obnoxious. The ultra-restrictionists, and the partizans of Nullification did not subscribe to these terms, the former being averse to any diminution of the protective duties—the latter repudiating every species of compromise which did not include the abandonment of the principle of protection. These ultraists, however, were a minority. The majority acquiesced in the compromise which has been mentioned: but where the real or the supposed interests of the parties were so variant, it was vain to expect, that any compromise could be so executed as to be exempt from mutual objections. An approximation towards that which each of them desired was as much as could have been, reasonably, calculated upon, in the passage of the first Tariff act which has been introduced, during so many years, with the declared intention of reducing the rates of protection. That approximation, it seemed to me, was effected by the act of 1832, inasmuch as by it the minimums upon woollens were repealed, and the aggregate of the revenue and the amount of the protecting duties considerably diminished.

Being satisfied, that this act was, incomparatively, better than that of 1828, I accordingly voted for it. Upon what ground, I can, even plausibly, be charged with impolicy or inconsistency, for thus voting I am unable to discover. It is true that I have, always, expressed myself adverse to the constitutionality and the expediency of a protective tariff; but whatever may be my opinion and the opinions of the larger portion of the citizens of the South, I am compelled to admit, that the constitutionality of a protective tariff, is not only a debateable question, upon which wise and honest men may and do disagree, but that the weight of numbers and of great names preponderates in favor of those who maintain its constitutionality. Under these circumstances, when I reflected, that the act of 1832 diminished the existing duties, repealed the minimums upon woollens, (among the most odious devices of a most odious law,) and lightened, generally, the burthen of taxation, I felt myself not merely justified, but imperiously required to facilitate its passage, by every means in my power. Had I supported a bill which augmented the protective duties, which extended the deceptive minimums, and which added to the public burthens, the impolicy and the inconsistency of my conduct might well have been noticed as meriting the severest animadversion.

It has also been alleged against me, that I gave my sanction to a law which recognized "the protective system as the settled policy of the country." Upon what authority this allegation is made, I am ignorant. It is not sustained by any words which I have uttered, or by any language in the context of the law, or by any inference to be drawn from either. If it is to be inferred from the fact, that the restrictionists, in the compromise which they declared themselves willing to enter into, did not agree to abandon protection, which *they* claimed as a *right*, it is admitted that they did not. Nothing is more certain, than that no law would have been passed, had this abandonment been demanded as one of its conditions. The basis upon which the law was professed to be founded, was that of mutual compromise and concession. Now where one side surrenders the very ground which is in dispute, there may be victory or defeat, but mutual compromise and concession are terms utterly inapplicable to such a position of the parties. If by the allegation, the meaning is intended to be conveyed, that Messrs. Blair, and Mitchell, and myself, who voted for the act of 1832, in any mode or manner, recognized "the protective system as the settled policy of the country" it would be sufficient to deny the imputation and to ask for the proof. But neither the conduct of those of my colleagues whom I have named, nor of myself, is susceptible of an ambiguous interpretation. Upon the floor of the House of Representatives, I repeated what I had often stated, both there and elsewhere, that, in my opinion, a protective Tariff, was unconstitutional, unequal and oppressive; I call upon the friends of Free

Trade—not to acknowledge the constitutionality or the policy of a protective Tariff—not to yield any principle or to sacrifice any interest—but to forbear from insisting upon the sudden abandonment of a system, which would be attended with the ruin of millions—to endeavour to obtain an amelioration of its provisions, by compromise with their opponents, and to postpone all efforts for its repeal, to a future and more auspicious period. General Blair, so far from conceiving that his vote was a recognition “of the settled policy of the protected system,” declared, that he “did not vote for the bill as a compromise of the subject, or as a quietus of the complaints of the South, *but on the principle of reduction;*” and Mr. Mitchell, who spoke at length against the bill, gave to it his support, for reasons similar to those which had been assigned by General Blair. Had my conduct in relation to this bill been the reverse of what it was, had I voted against it, and had this vote been cited, to establish that I had been inconsistent, and treacherous to my duty, I should have felt that I was incompetent to defend myself against these grave accusations. I might have urged, as a subterfuge, that I would not suffer my name to be enrolled in favor of any protective Tariff; but would I not have been confounded and silenced by the reply, that if the law which I refused to vote for, had been rejected, a law more greivous, and which contained protective duties more onerous, would be in force; and that by declining to exert myself to accomplish the passage of the act of 1832, I, virtually contributed to rivit upon my fellow-citizens the greater oppression of the act of 1828. The compromise which I recommended in the House of Representatives, was intended, and was declared to be intended, to meet the existing crisis, which, in the apprehension of many wise and patriotic men, threatened the destruction of the Union. To avert this deep and dire calamity, an immediate remedy was necessary—that remedy could not be administered without the co-operation of the friends and the adversaries of protection: that co-operation, to the extent which has been mentioned, was obtained. It was unconnected with any compact, *express or implied*, as to “*the settled policy of the country,*” or as to the true construction of the powers “to lay and collect taxes,” or “to regulate commerce.” That the protective principle is contained in the act of 1832, is undeniable: it was also contained in the bill which was reported by Mr. McDuffie, as the chairman of the Committee of Ways and Means; for in that Bill, duties of 25 per centum ad valorem, for prescribed periods, were to be levied upon the protected articles of Iron, Salt, Sugar, Cotton Bagging, Woollens, &c.: afterwards the duty was to be, gradually, reduced to 12 1-2 per centum, ad valorem, which, *under that bill was estimated to be the rate of duty which was necessary for revenue.* The constitutionality of the protective system was as plainly admitted, by legislating for the continuance

of some protected items, during a single year, as by legislating for all of them, without any limitation as to time. Although the principle of protection has never been abandoned by any Congress: although it is embraced within the provisions of the Act of 1832, I have yet never supposed myself less at liberty now, than formerly, to use all my exertions to erase it from our Statute-Book; and I derive no little confidence in the repeal of protective Tariffs, from the fact, that a diminution of the power of those who have, hitherto, been regarded to be the veteran and uncompromising supporters of protection, was manifested, by the passage of the Act of July last, in spite of their unremitting and strenuous opposition to it, aided by the co-operation of several of those who term themselves the friends of free trade, among whom were included both of our Senators and six of our Representatives. These Senators and Representatives might have been able to reconcile their conduct with what they conceived to be policy and duty. I could not imitate their example, nor shall I be prevailed upon to think that I ought to have done so, until I shall be persuaded that the burthen of protective duties is *increased*, by *reducing their rate and amount*;—and that where the choice is submitted to a representative of subjecting his constituents to a greater or a lesser evil, he ought to prefer inflicting upon them the greater.

Ameliorations in the existing Tariff have been achieved by the Act of 1832. When that change shall take place in Congress, which will be produced by the election of new members, according to the Apportionment Bill of the last session, there is every reason to expect that still further advances will be made, towards the fulfilment of what is desired by the friends of unrestricted industry. In the interim, what *has* been done, cannot *impede*, but will rather *accelerate* the progress of more just and liberal legislation. Were I called upon to state, what I firmly believe to be the cause of the Tariff system which now convulses our State, I should conscientiously reply, that it is to be attributed to the Act of the 27th of April, 1816, the passage of which was so strenuously advocated by three-fourths of the delegation from South-Carolina, that they insisted upon “the *necessity of affording protection to manufactures, to put them beyond the reach of contingency from foreign competition.*” The restrictive measures of the government before the late war with Great Britain, and the interruption to our Commerce during that war, had virtually protected domestic manufactures; but when the Act of April, 1816, was under discussion, the duties which were intended for protection, were generally so light, as almost to have escaped observation. In April, 1816, the principle of protection was openly avowed, and enforced in many instances, by correspondent duties. Then was invented the mischievous and delusive contrivance of the minimums, which was first applied to that fabric, the raw material of which constitutes the great staple

of the South. It is true, that a provision was inserted, that the rates of duties upon the manufactures of cotton and wool should be reduced within three years: but these were the only restrictions in that Act. Its protective character, in other respects, was preserved. The minimum, upon Cottons, by the operation of which those of the East Indies were driven from our market, was to be retained at 20 cents instead of 25 cents, without the annexation of any limitation as to time. High duties upon other commodities were imposed, without any reservation; and among them the duty upon salt, which is now 10 cents the bushel, was fixed at 20 cents, and the duty upon brown sugar, which, under the Act of 1832, will be 2 1-2 cents the pound, was fixed at 3 cents the pound. From the era of the passage of the Act of April, 1816, the transfer of capital was invited and rapidly diverted from its natural channels, into investments in those employments of labor which were stimulated by legislative protection. These investments have been made upon so extensive a scale, that a withdrawal of them cannot be attempted, otherwise than slowly and gradually, without the inevitable ruin of millions of our fellow citizens, a large proportion of whom were, originally, as hostile to a protective Tariff, as are now the inhabitants of our State. The sin or the error of having aided in the passage of the Act of 1816, cannot be imputed to me. I am neither responsible for that law, nor for the calamities of which it has been the baleful source. I have never given a vote upon any question, in favor of its principles. These principles I have always resisted, and I shall continue to resist them, by all the means in my power, which are consistent with the obligations of honesty, a respect for the letter and the spirit of the Federal compact, and the preservation of the integrity of the Union.

Since the date of my letter to a Committee of the State Rights and Union Party, I have received from the Register of the Treasury, a "statement exhibiting the amount of duties according to the present rates, compared with the duties as modified by the Act of 14th of July, 1832," which I have left with the Editor of the Southern Patriot. Upon the assumption, that the dutiable articles will be the same in quantity and price, after the 3d of March next, as they were in the year 1830, this statement shows that under the Tariff Act of July, 1832, there will be a reduction of \$1,869,056* from the amount of duties on protected articles, and of \$5,187,078 from the amount of revenue to be derived from the customs.

* Upon the protected articles of Molasses and Salt, there was a reduction of the duties by the Acts of 1830, amounting to \$956,121, which added to \$1,869,056, makes the whole reduction since the Act of 1828, to be \$2,825,177.

The value imported in 1830, of protected articles, amounted to \$29,120,629
Consisting of Wool, Woollens, Cottons, Wood and Manufactures of do.
Glass-ware, Iron and Steel, and Manufactures of do., Clothing ready made,

Notwithstanding these deductions from the revenue, and from the duties on protected articles, it is asserted in an Address "To the People of South Carolina," from our Senators and six of our Representatives, that the burthens imposed upon the Southern States, will be greater by the Act of July, 1832, than they are by the existing Tariff. As this assertion may make an injurious impression upon the public mind, I will transcribe that part of "the Address" which is intended to establish it, and briefly annex such remarks as may prevent the errors which it is calculated to disseminate. According to certain passages in "the Address," "the burthens of the *protecting duties* are decidedly increased, estimating the cash duties and diminished credits, and they now actually stand at an average of more than 50 per cent., while the duties on the *unprotected articles*, which upon every principle of equality and justice, should sustain the principal part of the burthens of taxation, are, with a few inconsiderable exceptions, *entirely repealed*. Upon those manufactures which are received in exchange for the staple productions of the Southern States, the aggregate increase of the burthens of taxation, beyond what they were under the Tariff of 1828, is believed to be upwards of \$1,000,000, while the reduction or repeal of the duties on those imports which are received in exchange for the productions of the Tariff States, amounts to about \$4,000,000. While, therefore, the aggregate burthens of taxation are diminished \$4,000,000 by this Bill, the positive burthens of the Southern States are not diminished at all, and their relative burthens are very greatly increased."

It has already been noticed, that the Tariff Act of 1832, as compared with that which is now in force, reduces the duties upon *protected articles* by the amount of \$1,869,056. If, notwithstanding this *reduction*, the *protecting duties are increased*, this increase must be occasioned by "*estimating the cash duties and diminished credits*." Now, the cash duties are confined to the importations on Woollens, and their amount would be equal to 1-4 per cent. in the rate of duty, upon Woollens not costing more than 35 cents the square yard, upon which the duty is 5 per cent., and on Woollens costing more than 35 cents the square yard (of which the value of between 2 and 3 millions are imported) it is 2 1-2 per cent. increase in the rate of duty, such cloth being subject to aduty of 50 per cent. on the rest of our importations, "the diminished credits" are equal to an increase of a fraction less than 3-4 per cent., the average

Hats, Carpeting, Sail Duck, Cotton Bagging, Molasses, Brown Sugar, Indigo, Cordage and Twine, Hemp, Salt, Coal, Window Glass, Leather, and Manufactures of do., Marble, and Manufactures of do., Oil Cloths, Japaned, Plated, Gilt, Pewter, Brass, and Leaden Ware—duty on the above articles under the existing Tariff,

12,831,772

Do. under the Tariff of July, 1832,

10,962,716

Reduction on protected articles,

\$1,869,056

rate of duty on all importations, excepting Woollens, being about 25 per cent.*

It not a little excites my surprise, that a paper of so grave a character as "the Address," which it is presumed, was drawn up with the utmost deliberation, should hazard the assertion, that "the duties on the *unprotected articles*, are, *with a few inconsiderable exceptions, entirely repealed*," when the duties upon all the articles "declared to be free" by the Act of 1832, which are *estimated* by the Register of the Treasury in his statement, amounts to no more than \$400,000; and the duties upon the residue of the unprotected articles, which are *not estimated*, but ascertained from official data, amount, according to the same statement to \$2,709,671. The amount of the duties upon unprotected articles, by the Act of 1832, is \$4,164,248, as is obvious in the underwritten note.† "The Address" has not furnished us with any data to support the positions, that upon the "manufactures received in exchange for staple productions of the Southern States—the aggregate taxation is believed to be *increased upwards of \$1,000,000*," beyond the Tariff of 1828, "while the reduction" or repeal of

* On a close calculation, omitting the 10 and 20 per cent. addition to the value on goods paying ad valorem duties, the following is the difference arising from the alteration of the pound sterling, and the cash duties with shortened credits.

| | |
|-------------------------------------------------------------------|-------------|
| The reduction on protected articles will be | \$1,869,050 |
| Deduct interest on cash duties on Woollens, amount of which being | |
| 1,953,159, for 10 months, at 6 per cent per annum, | \$97,659 |
| Do. on duties on other protected articles, amount being \$9,- | |
| 009,557 for 5 1-2 months, at 6 per cent. per annum, | 247,763 |
| | <hr/> |
| | \$345,421 |

Difference originating from change in the pound sterling, affecting imports from Great Britain, paying ad valorem duty, amount of these imports being \$14,514,657, and the difference \$1,075,160, at the average rate of duty on protected articles 37 5-8 per cent. is

404,528

749,949

Nett reduction on protected articles, \$1,119,107

Adding the 10 and 20 per cent. would increase the above to about \$1,550,000

† The aggregate amount of duties under the new Bill, is estimated at \$15,126,959
Deduct duties on protected articles, 10,962,716

Leaves a duty on unprotected articles of \$4,164,243

Add interest for 5 1-2 months shortened credits, at the rate of 6 per cent. per annum, \$114,516

Difference from change in the pound sterling on imports from Great Britain, paying ad valorem duties, amount of the imports being \$7,400,852, and the difference \$548,210, at the average rate of duty on unprotected articles, 14 3-8 per cent.

78,805

193,321

Total amount of duties on unprotected articles, \$4,357,564

The increase in the aggregate amount of the duties without the 10 and 20 per cent. and adding the difference from the new valuation of the pound sterling with cash duties and shortened credits, is \$943,270, equal to about 1 5-8 per cent.

the duties on those imports which are received in exchange for the productions of the Tariff States, amounts to about \$4,000,000." How this gross inequality in the distribution of burthens and benefits is produced, by the Act of 1832, I am unable to imagine. Upon some woollens, the duties will be rather higher than they are now, but the aggregate of the duties upon woollens, will be *very considerably less*. The duties upon cottons will be reduced in almost every instance, and increased in none. Upon silks, the duties will be largely reduced. The duties upon iron, hemp, cotton bagging, sugars and wines, are all diminished in greater or smaller ratios. The staple productions of the South being received in exchange for every one of the commodities which I have enumerated, if the duties upon them be *reduced*, it necessarily follows, so far as relates to these commodities (and they constitute the great articles of importation) that the burthen of Southern taxation will be *diminished*. Neither can I discover what "reduction or," repeal of the duties on these imports which are received in exchange for the productions of the Tariff States, amounts to about \$4,000,000." I have specified the important articles upon which the duties will be reduced, after March 1833, and it is known to every merchant, that for the more valuable proportion of them, the productions of the South are received in exchange, in a greater degree, than are those of the North, whilst the Cotton and Rice of the Southern States are almost, exclusively, exchanged for the Wines of Spain and Portugal, and for the Silks and Wines of France, and their Rice and Lumber for the Sugars of the West Indies. The North will be benefitted by the reduction of the duties upon indigo and upon raw wool not costing more than 8 cents, the pound, and by the repeal of the duties upon madder, wood, cochineal, and some other materials used in dyeing and as ingredients in the process of manufacturing; but the community participates in those advantages, as the effect must, necessarily, be to lower the price of manufactures. With respect to the repeal of the duties upon teas and coffee, and the reduction of the duty upon *India* silks, I will submit the following communication which I have received from one of the most enlightened and experienced merchants in this city; "Nothing is more certain than that the Southern States will be more than, proportionately, benefitted by any increased consumption of teas and East India silks, that will take place in consequence of the reduction of the duties upon them; because the course of trade is now so changed, that compared with former times, little or no specie is exported. The India merchant now, either furnishes himself with bills drawn by the United States Bank on London, at twelve months dates (which pay in India at a premium) or he purchases merchants' bills, at ordinary sights on London and lodges his funds there, ordering his ship to touch at Gibraltar, where he can draw for his London funds, at 10 to 15 per

cent advance, and he has dollars at par, or at most from 1 to 2 per cent. premium, these dollars being procured, entirely, from Spain, in payment of our rice, cotton tobacco, &c. carried into that country by her own subjects, clandestinely. If the Bank furnishes the India Bills, it covers them, by merchants' drafts on England. Thus, whether the India cargo be procured by Bank bills or specie, they are all raised by bills on England, which bills are almost altogether found by Southern rice and cotton. Thus it plainly and incontrovertibly appears, that the South furnishes the principal part of the funds for India cargoes, and, consequently, must be greatly benefitted by the increased consumption of those articles; and who will deny, that in the increased consumption of coffee, by being free of duty, that the South is benefitted, in a double ratio, when they are told that the Island of Cuba alone takes about 30,000 casks of rice, with lumber and other articles of its produce. No State in the Union furnishes more, if as much of West India cargoes, as South Carolina." The want of the semblance of a foundation for the assertion in "the Address," that the positive burthens of the Southern States are not diminished, and their relative burthens very greatly increased," is plainly demonstrated by the facts I have stated. As to those items exempted from the payment of duties by the act of 1832, to which I have not, particularly, adverted, I will only remark, that the South and the North are relieved by those exemptions, exactly in ratio proportionate to their consumption.

It is alleged in all the newspapers in this State, which adopt the reasoning of "the Address," that no spirit of compromise or conciliation entered into the composition of the late Tariff Act, and that its sole object was to confer additional bounties upon the Tariff States, and to increase the burthen upon the Planting States. My opinion of that Act I have already expressed; and it is not my intention now to ascribe to it merits which I have hitherto denied to it; but I cannot refrain from admitting, that the act of July, 1832, does contain some provisions which proceeded from a spirit of compromise and conciliation on the part of the advocates of protection. It is notorious that loud and reiterated complaints were made in the Southern States, and particularly in South Carolina, on account of the high duties upon coarse woollens and blankets, and upon cotton bagging, and that the duties upon them were diminished, to gratify and conciliate the South. After March, 1833, upon coarse woollens, of a value not exceeding 35 cents the square yard, and upon blankets, of a value not exceeding 75 cents each, the duty will be almost nominal, being 5 per cent. ad valorem; and upon cotton bagging, the duty will be reduced from 5 to 3 1-2 cents the square yard. I have read in numerous publications in the newspapers in this city, that the woollens and the blankets which are imported by the planters for their negroes, cannot be purchased at the prices limited by the Act, so as to be included within the reduc-

ed duty of five per cent. My reply to this statement, I should presume, would be perfectly satisfactory. I am informed by the most competent and respectable authority, that such woollens and blankets as the planters are in the habit of importing for their negroes, can now be purchased abroad at the prices specified in the Act, and that no doubt is entertained that this will be the case, after that act shall be in force. Should this, however, be an error, as the reduction of the duties upon these articles was made, and was expressed to be made, by the advocates of the protective system, exclusively, for the accomodation of the South; and as they repeatedly and positively declared, that the articles could be procured at the prices mentioned, I cannot hesitate, to believe, if the fact be otherwise, that upon satisfactorily establishing it, such a law would be passed at the next session of Congress as would rectify the mistake. However desirous the restrictionists may be and unquestionably are, to preserve what they consider to be their interests, it would be doing them injustice to suspect them of so gross a dereliction of principle, as a deliberate design to defraud, or of the commission of so egregious an act of folly, as to calculate upon being able to deceive, when the means of detection would be so soon and so easily afforded.

The minimums upon woollens, which created peculiar discontent, for the strongest and most obvious reasons, have also been abolished for the gratification of the South. In several of our newspapers, it has been insisted, that the benefit of this abolition has been more than counterbalanced, by the imposition of a duty, under the act of 1832, of 50 per cent, ad valorem upon all woollen cloths costing more than 35 cents the square yard. Let me, briefly, demonstrate the unsoundness of this objection. By the existing Tariff, woollen cloths not costing more than 33 1-3 cents the square yard, pay a duty of 14 cents the square yard, which is, actually 54-45 per cent ad valorem. Woollens costing 33 1-3 cents the square yard, and not more than 50 cents, are estimated at 50 cents the square yard, and pay a duty of 45 per cent. ad valorem, which is, actually, 48 per cent.—Woollens costing 50 cents, and not more than \$1, the square yard, are estimated at \$1, and pay a duty of 45 per cent., which is actually, 50-59 per cent. ad valorem. Woollens costing \$1, and not more than \$2.50 the square yard, are estimated at \$2.50, and pay a duty of 45 per cent, ad valorem, which is, actually, a duty of 54-82 per cent, ad valorem. Woollens costing \$2.50 and not more than \$4, the square yard, are estimated at \$4, and pay a duty of 45 per cent ad valorem, which is, actually, 61-59 per cent. ad valorem. All woollen cloths costing over \$4 the square yard pay a duty of 50 per cent, ad valorem, which with the additional 10 per cent. under the Tariff of 1828, is 55 per cent. ad valorem. The foregoing duties which I have stated as *actually*, paid, are taken from an official document of the

Treasury Department. It is thus seen that the existing duties, in every item, exceed those of the Act of 1832, excepting upon woollen cloths costing between 33 1-3 cents, and 50 cents, the square yard, and between 50 cents and \$1, the square yard, when they are less, in a very small degree, but upon such as cost more than \$1, the square yard, they are, considerably, higher. This difference in the rate of the duties is by no means, the principal benefit derived from the late Act; for by the substitution of ad valorem for minimum duties, the manufacturers are deprived of what amounts almost to a monopoly, in the home market as to all woollen cloths, the prices of which are between the minimum reductions. This fact was, openly, and repeatedly avowed in the House of Representatives, during the pendency of the Bill, in the last session of Congress, and it was owing to the abolition of the minimums upon woollens, that the leading advocates of "the American System," were so hostile to the passage of the law.*

I have thus Fellow-Citizens, submitted to you my reasons for the vote which I gave upon the passage of the late 'Tariff' act, and my views of that act, both in its immediate effects, and as compared with the existing Tariff. I feel confident that my vote will be approved of by all of you, who prefer conciliation and compromise to a rupture with the members of our confederacy. When a system has long been established, which extensively controls the national capital and labor, however unwisely it may have been introduced, it cannot suddenly be abolished, without spreading desolation and ruin among millions, and communicating a perilous shock to our tranquillity and security.—However we may deprecate a protective tariff, in its principles and in its details—however, indignantly, we may arraign the motives in which it originated and the consequences resulting from it, the majority of the people, are, nevertheless convinced that it is warranted by the Constitution, and recommended by the soundest policy. From the prevalence of these sentiments among the majority and the legislative encouragement of them by high and stimulating protective duties, immense capitals have been invested in numerous and complicated

*Mr Everett, of Vermont, said, what in substance was repeated by several other members who advocated protection, "he considered that system (the minimums) as affording the most efficient protection, with the least burthen on the consumer. The operation of that system had been misrepresented. He had been surprised to hear gentlemen affirm that it levied duties of 100, of 150, and even 225 per cent. A yard of cloth costing \$1, pays 45 cents, and a yard costing one dollar and one cent, it is true, *if imported*, would pay 112 1-2 cents, which would be at the rate of 112 per cent. so a yard costing 50 cents would pay 22 1-2 cents, and a yard costing 51 cents, *if imported*, 45 cents, being at the rate of 90 per cent. But what was the fact? *No cloths chargeable with these high duties were imported.* The importations were confined to Cloths valued at or a little under the minimums. The effect then, was *prohibition* of the importation of most of the Cloths between the minimums. Of those excluded, *the cloths of the intermediate values: the American Manufacturer will have the whole market.*" Extract from Mr. Everett's speech on the Tariff bill, delivered 18th June, 1832, as published in the National Intelligencer.

branches of human industry, which, it must be obvious, ought not to be interfered with, excepting with the utmost caution, deliberation and forbearance. Thus impressed with the importance, the intricacy and the delicacy of this subject, when the consideration of the Tariff was brought up, during the last session of Congress, my anticipations of its improvement were limited to such alterations, as would lighten some of its burthens obliterate some of its most obnoxious enactments, and manifest a temper and disposition indicative of still farther ameliorations. When the foundations of the system should be thus undermined, the cheering prospect would be presented, that Congress would gradually act upon the principles which ought never to be lost sight of—that domestic industry should only be incidentally protected, by duties upon foreign importations. Although the Tariff act of 1832 is, in my opinion imperfect, although it still retains no small portion of its ancient defects, although it still requires great and radical improvements, yet it does appear to me that it makes such approaches to what it ought to be, as to render it worthy of acceptance, *at this time*, to every patriotic and reflecting Statesman, who seeks to obtain the recognition of the principles of Free Trade, by temperate and practicable means.

To what extent the duties and the revenue will be reduced by the late Tariff Act, I have already shown. Surely a diminution in the protecting duties of \$1,869,056, and in the aggregate of the revenue from the customs of \$5,187,078, is a relief, in the gross and in the detail. Surely a diminution in taxation, which reduces their nett receipts, from \$17,288,645 to \$12,101,567, is a general benefit. These ameliorations, combined with some concessions to the South, and the repeal of the minimums upon woollens, ought to be hailed with some satisfaction, as the harbingers of better times, and as leading to a more auspicious consummation; and more especially, ought we to be inspired with confidence, when it is recollected that these reformatations were effected, although they were opposed to the utmost, *by the firmest zealots in the cause of protection*, and although the bill which contained them, was voted against by six of our own delegation, in the House of Representatives. If thus much was achieved against obstacles so formidable, the hope is proportionately flattering, that those who are willing to sacrifice the pride of opinion and the lust of power, to a spirit of amity and compromise, and to lay their resentments, and passions, and prejudices, upon the altar of their common country, will accomplish greater objects, by their judicious and persevering appeals, addressed to the reason, good sense, and real interests of the community. By honest exertions thus directed, it may well be anticipated, that the delusions which have been created by a selfish theory, will be dispelled—that the revenue, at no distant period, will be limited to the proper expenses of the government—that the Tariff will be so reg-

mateu, as equally to diffuse its burthens and its blessings, among a free, a prosperous, and a united people. When a career has been opened, which may carry us to the goal at which we would arrive, shall we stop short in the progress to which we are invited?—shall we, supinely, slumber on our posts, when the victory may be won by discretion and perseverance? Shall we, instead of availing ourselves of that “tide in the affairs of men, which taken at the flood leads on to prosperous fortune,” abandon whatever is dear to us as patriots, whatsoever renown we have derived from our ancestors, whatsoever of glory we have acquired abroad, and whatsoever of liberty and happiness we have enjoyed at home, and rashly barter away these inestimable treasures, to plunge into the vortex of Nullification? Shall we yield ourselves to be entangled in the mazes of a political abstraction, which is either so subtle or so paradoxical as to mock the understanding, or so false and so pernicious as to lead us into error and danger? Shall we, with our senses awakened, and our faculties roused, and our vigor unimpaired, march tamely under the banners of those, who, while they profess to put down usurpation, themselves usurp a power paramount to the Constitution and the laws—who, while they proclaim, that they will emancipate us from federal oppression, by a peaceful, efficient and legitimate remedy, would reduce us, either to the alternative of submitting to the government, which we resisted, or of seceding from the Federal Union! The first alternative would be degrading humiliation. Should we adopt the other, the United States, from the imperious dictates of self-defence, would prescribe to us such terms, as would prevent them from being injured by our separate commercial laws and regulations; and to deliver ourselves from their invasion of our Sovereignty; should we resort to an ally, the price of his aid, would be the sacrifice of our independence.

I will dwell no longer upon such gloomy scenes. That the Supreme Ruler and Director of human affairs, may in his mercy, so incline our hearts and guide our counsels, that the fierce and stormy passions which threaten us with civil dissention—which distract our social intercourse, which embitter the harmony of our domestic circles, shall be banished from our bosoms, and only be remembered as solemn and enduring warnings for the future, is the fervent prayer of your faithful and obedient fellow citizen.

WM. DRAYTON.



J. S. Garrison

TO THE PEOPLE

OF

THE STATE OF SOUTH-CAROLINA.



CHARLESTON, 1st DECEMBER, 1832.

FELLOW CITIZENS:

THE ORDINANCE passed by your Convention at Columbia, a few days since, as the supreme law of the land, is the grave, not the bridal chamber of Liberty. However the power and the triumph of party, may dignify it, in the hour of its birth, with titles of glory and praise, no spirit of prophecy is needful to know, that when the revels of that unholy spirit shall have passed away, it will be regarded, even in the South-Carolina of future years, with grief and mortification. In the sacred name of Liberty, they have struck her down to the earth, with the iron mace of the despot. In the name of Liberty, they have forged for their fellow-citizens the chains of Slavery. In the pure and holy name of Liberty, they have polluted her shrine, they have laid on her altar the offerings of idolatry, they have trodden their fellow-worshippers under their feet.

When I look at the Age, in which I live; at the history of my Country; and at her actual state of political improvement: when I consider the wisdom and forbearance, that have distinguished American counsels; and the magnanimity, which has always been one of the noblest elements of Carolina character, I am filled with astonishment and grief at a measure, which must be repented of, in the sackcloth and ashes of shame and sorrow. God grant it may not be our lot to repent of it, in tears and blood, amid the ravages of fire and sword! Whatever may be the feeling respecting this Ordinance, among the majority in Carolina, it is impossible not to know, that it must be regarded with mournful indignation by all the friends of freedom throughout the world. In the rest of our Union, it can only be viewed, as a reproach to the memory of the illustrious dead of 1776 and 1789: and as an act of ingratitude to their sacrifices and services. Among the Whigs of England, what other opinion could be held, than that you have forfeited all title to the glorious attributes even of British freedom. They will tell you, that in an age of light, and in a country of laws and of regulated freedom, you have sought for your instruments of power, in the armory of bygone ages, amid the darkness and violence of dethroned Tyrants and baffled Oppressors. They will tell you, that at this day in Great Britain, not even a Whig Administration, with a Whig Parliament, could venture thus

to disfranchise a British subject. They will tell you, that no power in Britain would hold the magna charta of British Liberty, as cheap as your Convention have held the holy constitutions of Carolina and the Union.

I ask no pardon, I make no apology for the boldness and frankness, with which I speak. I am still a freeman: and the Convention may be assured, that so long as the liberty of Speech and the liberty of the Press shall remain, there will be thousands, who will speak and write, as fearlessly as I do. And have they yet to learn, that the confiscation of property, the imprisonment of the body, nay the loss of life itself, have no terrors for the brave and the free? Have they yet to learn that the dungeon and the scaffold are the pageantry of tyrants, in the eyes of the Martyr to civil or religious liberty? Are they yet to learn, that they may torture the body, but cannot subdue the soul: that they may give the freeman a victim to their power; but cannot make him the slave of their will? Have they, indeed, yet to learn, after all the solemn lessons that Liberty has taught amid the fires of persecution and the martyr blood of her children, that the freeman, like the christian, counts property, liberty, and life, as dust and ashes, in comparison of his principles and independence? And I have studied in vain the history of free communities, and especialy of this country: and I have loved and venerated in vain the noble qualities of American and Carolina character, if there be not thousands in this State, who are ready in the same cause, to yield up property to your confiscation acts, liberty to the loathsomeness of your dungeons, and life itself to the tragedy of your scaffolds. The punishments you may inflict, may be ignominious in your eyes; but posterity will honor them as the sufferings of the virtuous free. You may brand the grave of your victim, as the grave of the Traitor; but the very next age will hallow it as the bed of glory. You may consign him to the death of the malefactor; but your own children shall acknowledge his title even to their gratitude and admiration. You may follow him with scorn and execrations to the gallows: may he be strengthened from above, to make the last act of his life, a prayer for his destroyers!

I have already expressed my opinion, that the Legislature, which called the Convention into being, was itself unconstitutionally convoked. I adhere to that opinion: and of course, I cannot regard them as a Convention, constitutionally assembled. I have no doubt, that the time will come, when the dispassionate mind of Carolina will pronounce the same judgment. Whether that will avail aught, beyond affixing the brand of a double reprobation to all that they have done, is of little consequence, now. But it is a consolation to know, that the triumph of principles is as sure, as they are immortal: and that party spirit is the more perishable, the greater its violence and injustice. I shall not dwell on the unnatural and inequitable principle,* on which the representation in the Convention was fixed: a mode

* I understand it was said the other evening at the Circus, that if this objection availed any thing, the result would be, that we had not lawfully adopted the Constitution of 1790

scarcely reconcilable with the fundamental principles of the social compact, in any other Country; and utterly inconsistent with them in this. Nor shall I dwell on the fact, that they have not sent back to you for your confirmation or rejection, the Ordinance, which the delegates of the People, not the People themselves, have ordained as the supreme law of the land, against the Constitution of the State, and of the Union. To you they are accountable: and yet whilst they wielded your power, they have not ventured to trust their exercise of it to your deliberate judgment. They are the Masters of the People for a year; but they have forgotten that you may yet tell them, that you never did authorise, nor will ever sanction the deeds, which they have done. In their hands is the power to curse and destroy: may you not find when it is too late, that they are irresponsible to you, for the firebrands and the ruin, they may scatter over your land! You may yet find, to your irreparable loss, to your inconsolable grief, that the tyranny of laws, is more injurious to freedom, than the tyranny of Prætorian bands and standing armies.

State necessity, which has ever been the plea of the Tyrant and Oppressor, whether single handed or many headed, in every age and country, is their only justification for violating some of the most important principles of the social compact, as established by our American Constitutions. These have been hitherto, regarded as too se-

or that of the U. S. Now let us look a little at the history of this matter. The Constitution of 1776 was the act of a *revolutionary* Congress: that of 1778 was an act of the *Legislature*: neither therefore is a precedent; though every one acquainted with the Constitutional history of S. Carolina ought to know, that the rule of representation under *both* of those had nothing to do with the representation of *property*. This is equally true of the Constitution of 1790, in which on the face of it the representation is settled without any regard to property. The *compound* ratio of population and property, we ought all to know, was *not* introduced *until* the amendment ratified Dec. 1808. One would really suppose, from the argument used at the Circus, that this *compound* principle had been in force and operation in 1789 and 1790, when the present State and National Constitutions were adopted. So far from it, all the Legislatures and Conventions prior to 1808 were constituted on the principle of representing *persons only*. Let us now see if the Amendment of 1808 is any justification to the Legislature. In my opinion, it is not. A Convention represents the People: the General Assembly, the People and their property. That is a popular, primary assembly—this but a legislative, derivative one. The first rests on the fundamental political social compact—the second is the creature of that compact. The former contains in itself all the elements of power, both the granted and the reserved—the latter, only the granted power, and that to *one* department out of three. But I think the Constitution has settled the question by the 1st Sec. of the 9th Article. “ALL POWER IS ORIGINALLY VESTED IN THE PEOPLE: and all free governments are founded on their authority, and are instituted for their peace, safety and happiness.” Surely this clause recognizes no principle of the representative quality of property: nor that any portion of primitive, popular power is derived from property. When the People submitted to a vote of two-thirds of *each* branch of two successive *Legislatures*, a new question of Amendment, did they indicate a similar rule for the government of a *majority* only of *one* body, and that purely a *popular* one? How then could the Amendment of 1808, which related *exclusively* to a *Legislative* body, have any bearing on the call of a Convention? Before the Amendment of 1808, (and that was clearly a *compromise*, as well as the principle of slave representation in the National Constitution) no one ever doubted that even *Legislative* representation was founded on *persons only*, not on *persons and property*. The old rule must and ought then still to govern, in the case of a *Convention*, for it has never been abrogated, expressly or even by implication.

are, to need any other defences than the bulwarks of the Constitution: too sacred to be entrusted even to the UNANIMOUS vote of Legislative bodies. The Convention have placed on record, as a part of the history of your country, the maxims of Tyranny, that *power can do no wrong*; that *the end justifies the means*; that *the minority is the property of the majority*. History is Philosophy teaching by example: and, how strikingly and awfully, will the page of their deeds teach generations yet unborn! In comparison with this Ordinance, the Alien and Sedition Laws were harmless, and a dead letter on the Statute book: and considering the age, in which we live, the country of which we are citizens, and the men, who have done the deed, no other age, no other country, no other men, have ever struck such a blow at Liberty. The spectacle excites the more awe and pain, because the children of Liberty have exchanged her olive-branch of peace and love, for the scourge of penal chastisement; and the sword of justice, for the iron rod of the oppressor.

I protest, in the name of Liberty, before my country and the world, against the very principle, upon which they have based all their proceedings. It amounts to this: THAT THE PEOPLE CAN DO NO WRONG. But, my respected, my beloved fellow citizens, the people can do wrong: and those are faithless counselors, who do not teach you firmly and caution you solemnly, that there are certain vital fundamental principles, without which, you must cease to be a *free* people, or to enjoy a *republican* government. The People can do wrong: and the acts of the Convention, if they be regarded as the acts of the People, are irrefragable testimony, that you can do wrong. But I rejoice, amidst the gloom which surrounds us, that the People, have not as yet acknowledged an act, which, *if the act of Liberty, is SUICIDE*.

It is the very basis of a free government, that the Legislature are a limited body. But the Ordinance has conferred upon them the UNLIMITED power to do any and every act, which may be *necessary* to give it effect. Nor has it left them any discretion; for it has *not merely authorized*, but has *commanded* them to do whatever is needful. *Their's then is the discretion of tyranny, co-extensive with what they may regard as the demands of State necessity*. And do you expect them to set any value on the other landmarks of freedom, when the Convention have set such an example of utter disregard for many of the most sacred? After what they have done, could you reproach the Legislative Body with breaches of the Constitution, with outrages on liberty, if they should abolish the freedom of Speech and the Liberty of the Press? Have they not an unquestionable right, as far as the Ordinance could give it, to declare the civil subordinate to the military power; to pass bills of attainder and ex post facto laws; to impose excessive fines and inflict unusual punishments; to deprive of the trial by jury, even in civil cases, any man, who will not subscribe the oath of allegiance they may prescribe; to confiscate half or even the whole of his property, if he should refuse; to discharge from their contracts all, who are his debt-

ors; to disqualify him as a witness in any case, in which one of the opposite party is concerned; to disarm him; to deny him counsel or witness, and to suspend the Habeas Corpus act? Can it be denied that they have power to do this? In a season of profound peace; under the action of balanced and regulated systems; with the security of written Constitutions, and the pure, independent administration of justice; they have clothed your Legislature, under the plea of State necessity, with the despotic power of a Revolutionary Congress. Shall it be said that they will not use it? If they obey the commands and imitate the example of the Ordinance, there is nothing they cannot, nothing they will not do, which they may judge necessary. Yes, if necessity shall demand it in their opinion, they may repeal the very act, which called you into being; annihilate you by your own authority; construct a new government; and give to the State a Dictator or a Directory. *And this is the wisdom of the children of Liberty, these the safeguards they have provided for her!* O! what a fountain of grief and almost of despair has thus been opened for the sons of freedom in Europe! How shall the monarchs of Russia and Austria glory and exult over the scene! How shall the palaces of Naples, and Prussia, and Spain be filled with mockery of freedom, and with the revelry of despots and their courtiers, rejoicing over the errors and folly of Republicanism!

Not content with bestowing on the Legislature this unlimited power and commanding the use of it, the Ordinance has provided, that they should have no excuse, for not employing it to the utmost. Lest they might suppose that they were to be bound by the Constitution of the Union or the State, it has given them such precedents, that they cannot doubt the intention to be, that no constitutional restraints are to be regarded. How can they do otherwise than employ violent and unjust measures, when it has set before them unconstitutional objects to be attained? You still are acknowledged to be in the Union, and to be bound by its Constitution. Now, the People, and Legislature, and Courts of *this* State have never doubted, much less denied, the jurisdiction of the Supreme Court of the Union *over cases in law or equity, between individual parties*, tho' one be a public officer: and still less has it been or could it be doubted or denied, if the United States be a party. And yet the Ordinance transfers this undoubted, this undisputed jurisdiction to a State Tribunal; tho' the validity of an authority claimed under the Laws and Constitution of the Union, be the very gist of the suit. The Convention acknowledge the right of the Union to "coerce the State," and "to enforce the acts" "through the civil tribunals of the country:" and yet they have vested exclusive jurisdiction over the whole subject, on a national question, in State tribunals. And, as tho' in mockery of the very names of Judge, and Trial, and Jury, as hitherto understood, they have bound the Judge and Jury to disregard Constitutions, Law and Evidence, and to decide according to a fixed paramount rule. I envy not the Judge or the Jurymen, who is fit to be their instruments. Were I a Judge or a Jurymen, before I would pollute my

soul and defile my lips with such an oath, this right hand should be struck off as a cockade for the cap of a Dictator; or a sign-board to point the way to the gibbet. What more could a despot do, than say to his subject, you may have the benefit of a Judge and Jury; but I shall so ordain, that they shall NEVER *decide in your favor*? What would such a Judge and Jury be, but Commissioners to execute his despotic will to the letter: and what are theirs under this Ordinance? A despot himself would not deign to call that a trial: and assuredly the Legislature, if they deem it necessary, will soon dispense with such useless machinery.

Certainly you cannot believe, that the Supreme Court of the United States will ever acknowledge the authority of that Ordinance: or suffer themselves to be baffled by that or any acts of the Legislature. If a Republican Government, in spirit and in truth, shall ever again exist in Carolina, *for it ceased with that Ordinance*, all the judgments, which shall be rendered by your tribunals, will be reversed. Unshackle the consciences of your own Judges, and even they must reverse them. But the Supreme Court, in any event, will cancel them; and the mode of obtaining possession of the case will be provided in the spirit and language of one of your own Courts in a far less extraordinary case: "if there were no precedents, we must make them." Nor can it be believed, that Congress will fail to legislate efficiently, in aid of the unquestionable jurisdiction of the highest and most important tribunal, known to the National Constitution and to the States themselves.

The oath of office, which the Ordinance requires of all your present officers, is one of its most striking and unjustifiable features. You are still acknowledged to be under the Constitution of the United States. Your own Constitution prohibits the Legislature from passing "any law, impairing the obligation of contracts:" and the National Charter equally denies to any *State*, the authority to pass "any law impairing the obligation of contracts." Is the State still a member of the Union? If so, and you must admit it, is she not bound by this clause? Is your Ordinance the act of the State? Until you have disavowed it, you at least cannot doubt it. The Convention, then, have in the name of the State, violated an article of that Constitution, as palpably, as if the Legislature of the Union were to grant a title of nobility. Do you doubt it? Is not an appointment to office a contract between the public and the officer? Your own Courts have so decided, over and over again, in a dozen forms; nor can you find a lawyer, who is fit to practice, even in a Magistrate's Court, who will not acknowledge this fundamental truth. And is this a lesson, for freemen to teach? Is this an example for them to give to those, whom they brand as usurpers and oppressors?

Nor is this all. The Constitution of this State declares, that "the trial by Jury, as heretofore used in this State, and the liberty of the Press, shall be *forever inviolably* preserved." These are fundamental articles in the social compact. They are not merely prohibitions to the Legislature. They are a solemn covenant of the people of

South-Carolina, by which they have pledged their faith and honor, and bound their descendants by the strongest obligations, that the trial by Jury should never be violated, not even by the People themselves. What warrant can the Convention show for such a breach of such a promise? Did the People of this State appoint them to revolutionize the State Government? And yet, without such a commission, they could not lawfully exercise, one of the highest of *revolutionary* powers, that of *confiscating* not merely lands and goods, *but offices, held under the most sacred pledge of public faith.*—Did you place in their hands an unlimited power, to annul the Tariff Laws, (granting that to have been the distinct commission given to them,) by any measures of violence or injustice; by the destruction of the very landmarks of liberty; by the palpable infringement of your own, and of the National Constitution? The Ordinance is undeniable proof, that such has been their interpretation. But if ever the State returns to a calm and settled state of mind; if ever again, right, and justice, and regulated freedom shall be our lot—I may almost say, that I know with absolute certainty, you will anxiously place on the records of your history, the most indignant and energetic disavowal of their acts.

Not satisfied with infringing the Constitution of the State and of the Union, when the People, as you know, designed no such thing; they have gone beyond all this, and assuming themselves to be the People, they have exercised the highest of sovereign powers, that of secession from the Union. And this they have done, not as tho' they were the *Delegates* of the People, but as tho' they were their *Masters*. For as delegates, if they had realized the delicacy and responsibility of their situation, and the awful consequences of that act to yourselves; they would have referred back the solemn question of secession to you, as the only rightful judges, in the last resort. But they have given you neither time to think, nor opportunity to decide; because they knew that you never would sanction such a step. Thus have they dragged the State to the precipice of Revolution: and appointed the day, when the victim shall be hurled down into the gulf of Disunion and Civil War. That victim, as far as man can see, has no chance of escape, but in a counter-revolution, that shall restore a Republican Government to the State; or in the power of the National Government, to summon fifty thousand of the militia from the neighboring States, to execute the laws of the Union.

Be not deceived. The Governor has applied for a garrison of two thousand men for Charleston, and for an additional force of 10,000 men; in direct violation of the Constitution of the Union, which still binds you, and which prohibits a State from "keeping troops or ships of war, in time of peace." Would this be done, did he not know, that the General Government will employ force? And does he think to intimidate that Government, powerful as it is in all the resources of war, and sustained as it is by an immense majority of the Union? Does he hope that the President, as popular in the South at this moment, as even Washington himself, will hesitate to

call out, if necessary, ten times the number of your State Guard? And does Governor Hamilton believe, that the Militia of Virginia, and North-Carolina, and Tennessee, and even Georgia, will not obey the summons, to vindicate the authority of the laws? Let the order be given, and your frontiers will bristle with the bayonets of brothers; as gallant and free as your own soldiers, as devoted to liberty, as ready to die in her cause, as you can be. It needs not prophecy to tell you, that you will see what Washington describes as occurring in 1794. "There are instances of General Officers going at the head of a single troop or of light companies; of field officers when they came to the place of rendezvous, and found no command for them in that grade, turning into the ranks as private men; and by way of example to others, marching day by day, with their knapsacks at their backs." And be assured that General Jackson will imitate the wise and humane policy of Washington, when he called out 15,000 men, "as being an army, which, according to all human calculation, would be prompt and adequate in every view, and might perhaps by rendering resistance desperate, prevent the effusion of blood." The President loves his country too well, and values American blood too highly, not to resolve that "the Army of the Constitution," as Washington called it in 1794, with its banners of the stripes and the stars, shall outnumber ten times if necessary, your State Guard, with its flag of the solitary star and the border of blood.

But in truth the General Government has no need of military force. You have declared, that Congress shall not collect a dollar of revenue in South-Carolina. And if you thus abuse the privileges arising out of the rights of ports of entry, can it be doubted that Congress will take away the right? It is vain to say that they have *no authority* to do so. *They* are the judges; and the nation will sustain them. Equally vain is it to say, that they have not the *right* to blockade your harbors. They have the power, and they will use it: and the Nation will hail with gratitude and approbation, the employment of a naval, instead of a military force. You know that Mr. Jefferson himself held, that Congress had the power, *even under the Confederation*, to call out such a force, in order to compel the delinquent States to pay their quotas of the national requisitions.*

* In Jefferson's letter (2 vol. Works, p. 37,) to John Adams, dated 11th July, 1786, as a reason for providing a navy to coerce the Barbary States, he says "It will arm the federal head (the old Congress) with the safest of all the instruments of coercion over its delinquent members, and prevent it from using what would be less safe," viz: a military force.

Again in his letter of 11th Augst, 1786, to Col. Munroe, (2d vol. Works, p. 43,) in speaking of the same subject, he says, "It will be said there is no money in the Treasury. There never will be money in the treasury, until the Confederacy shows its teeth. The States must see the rod: perhaps it must be felt by some of them." "Every rational citizen must wish to see *an effective instrument of coercion*: and should fear to see it, on any other element than the *water*. A naval force can never endanger our liberties; nor occasion bloodshed: a land force would do both."

Again in his letter of 4th Aug. 1787, to E. Carrington, (2d vol. works p. 203) "It has been so often said as to be generally believed that Congress have no power, by the *Confederation*, to enforce any thing, for example contributions of money. It was not necessary

Still less can it be doubted, that they possess the power, under the *present* Constitution, to employ the navy to prevent smuggling and ensure the collection of their own revenue.

Suffer not yourselves to be deceived by the idea, that the General Government will recognize your title to be out of the Union. It is perfectly clear that *they* cannot. *They* have no authority to abandon any portion of the Union. The territory of Carolina was committed to their jurisdiction by a *joint* act of the States: and nothing short of that, or the absolute necessity imposed by an unsuccessful war, can release them from the obligations of that trust. They are commanded and empowered to make all laws necessary and proper to protect the Custom-House and the Post-Office, their Courts and Judges, and all their officers. Can you doubt that they will do it?—*They* must treat Carolina as *in* the Union, whatever she may say to the contrary. If she is to be released, *they at least* can neither notice, nor acknowledge her single act. If then, a naval force shall be sent to blockade your rivers and harbors, what can your army of 12,000 men do? How can you remove the shipping of the Union? Of what avail then to call yourselves a *foreign* nation? That navy

so give them that power expressly; they have it by the law of nature." When two parties make a compact there results to each a power of compelling the other to execute it. *Compulsion was never so easy as in our case, where a single frigate would soon levy on the commerce of any State, the deficiency of its contributions; nor more safe than in the hands of Congress, which has always shown that it would wait, as it ought to do, to the last extremities, before it would execute any of its powers, which are disagreeable.*"—Thus Mr. Jefferson himself acknowledges the power even of the *Confederation* to employ the navy, to enforce its requisitions. How then could he, and how can you doubt the right of the *present* Government to do the same?

The act of 28th Feb. 1795, authorizes the employment of the militia to execute the laws of the Union—and the act of 3d March, 1807, the employment of the Navy and Army in a like case. I annex the last, and so much of the first as relates to the subject.

"Sec. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States, to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next Session of Congress.

"Sec. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time."

"Sec. 9. *And be it further enacted*, That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies, in the several States, have by law, in executing the laws of the respective States."—3d vol. L. U. S. (Folwell) p. 189. 191.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases of insurrection, or construction to the laws, either of the United States, or of any individual State or Territory where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect."—8th vol. L. U. S. p. 311.

would no more respect your title to independence, than they would a clearance from your Governor, under the seal of the State. They would not discuss the question of State Sovereignty, with the metaphysicians of the South-Carolina school; but would obey the orders of the President sword in hand; and execute the laws of the Union, with the cannon and the boarding pike. Your sister States from Maine to Missouri, from the St. Lawrence to the Mexican Gulf, would approve, though they could not rejoice. The Union, if governed by firm, yet wise and moderate counsels, would utterly annihilate all your schemes of resistance to their authority: and constrain you in a twelve-month by the misery and ruin, by the bankruptcy and distrust, that would blast your State, to repeal your unconstitutional ordinance and statutes. The Union needs not to strike a blow, or shed a drop of blood, on land.

Perhaps you will say, that blockade is a belligerent right and that it cannot be lawfully used against you? But, according to your own doctrine, you are only bound by a league. The General Government is *the common agent* appointed to execute the Treaty. Can they listen to *one* of the Principals, when they know, that *all the rest* utterly disavow and condemn his construction of his own power and of their duty? If a State employs a power, which is revolutionary as to the Union, and of course belligerent in its character, the Union must possess and will exercise a correspondent right of retaliation. Are you *in* the Union? Blockade is then a clear exercise of the power to collect the revenue, and to prevent smuggling.—Are you *out* of the Union? Then it is the exercise of an undoubted power to compel the observance of a treaty, broken by yourselves. But Congress will not regard it as a belligerent measure, whatever you may say on the subject. They must consider it as nothing more than the ordinary case of the President, as Commander-in-chief of the Army and Navy of the Union, employing the latter in the discharge of his duty, to “take care that the laws be faithfully executed.”

But I entreat you to look at the subject, in another point of view? What prevents the removal of the Custom House to Fort Moultrie or Castle Pinckney, guarded by a fleet of armed vessels? You cannot question the right to do this. Nor can you doubt the authority to require a cash payment of the duties at the Fort; before any vessel should come to the city. You will deny the right to collect any duty after the Ordinance; but you must admit, that they have the exclusive right to appoint the place, the time and the mode for the payment of duties. Now, you know that the Union never will acknowledge your right of interference: and as their object will be to ensure the collection by the simplest and safest process, without bloodshed, you may be assured, that they will not hesitate to adopt such a method. What then could you do? Would the officers of the army and navy yield obedience to your writs of replevin? You know that they neither would nor could. If they were to put the question to yourselves, you would be obliged, for I know that you value truth and

eander, to acknowledge, that they ought not.* They would treat your Sheriff as a Gentleman; but they would refer him to the Collector for a permit. What then would you do? Would you be the aggressor and attack the Forts and shipping? If you did, could you hope to succeed? What would your 12,000 men avail against fortified places, covered by the cannon of twenty vessels? Whether you did or not, would not this be a clear case of "levying war against the United States," and is not that the Constitutional definition of treason against the Union? You know that all the departments of the National Government, must so regard it: and however distant the day, the assailants would be brought to justice. You cannot doubt, that your commission would not protect the Governor himself, in a Court of the Union (in which only the trial could be had), sitting under the Constitution and Laws of the Union. They could not acknowledge the right of South-Carolina to make war against the Union: that is, to authorize any one under her commission, to commit treason against the Union. This is surely so plain, that no one can doubt. But let us suppose, that you could succeed in driving the troops from the forts, and the shipping from the harbor, by means of commanding positions for land batteries. Are you not still brought back to the question of blockade; or, if you please, to much the same question in a different shape: And are you not then under the disadvantage of having driven the U. States, *by acts of war*, to the necessity of establishing a Custom House on board of a frigate at the bar, with a dozen vessels to ensure the collection of the revenue? Could you drive them away? You know it would be impossible. You may raise an army; but could you build and man a navy, (even if you had the sailors,) adequate to the task of meeting and conquering such a force as the Union could station there, a force if necessary, of four hundred guns? You must know that the hope of obtaining a fleet even of 200 guns, much less of destroying the blockading force, would be chimerical. Add to this that the Union could afford to expend twenty dollars, where you could one. Is it not manifest, that with an army of 12,000 men and such a navy, you would soon be on the verge, if not in the pit of bankruptcy? No one but yourselves could doubt, and I hardly think, if you will take the trouble to calculate, that you can doubt.

But again, do you believe that any vessel of a *foreign* country would venture to cross the bar, without having called at the floating Custom House, and paid the duty? Certainly you cannot believe it; because you know that forfeiture would be the result. Would any vessel of a *sister* State be willing to take the risk? I know that you must acknowledge she would not. Is not then your trade annihilated by this simple process; and by the time you had built a navy and

* Yet the Ordinance as to these very officers, (not appointed by or responsible to the State, but created by and accountable to a separate and different government,) attempts to bind *them* to obey the ordinance, when the Convention well knew that those officers could not dare to do so. This I apprehend is the first instance, in which *one* government has attempted to bind the officers of another to obey the *first*, in direct and palpable violation of their duty to the *second*.

disciplined an army, your credit would have perished, and your army and navy be unpaid? Your Governor has recommended a clearance from the Executive under the seal of the State. I cannot do so little justice to his good sense and his knowledge of public business, as not to believe, that he knows it would be of no more avail, with the navy of the Union, than your replevin writs: and as to foreign ports, they would pay no more attention to such a paper, than to the certificate of any other respectable man.

Whatever you may think of your sovereignty, recollect that foreign nations know nothing of you. To them, under the Laws of Nations, and your leaders all know it better than I do, South-Carolina could no more be noticed, by foreign governments, than America could notice Wales or Scotland, Flanders or Venice. You have told the world, by all your public acts, that South-Carolina is *not a Nation*; that as to all the rest of the world, she is but a *district** of one great Nation. You have said to the world, neither know, nor notice me; until the Government of this Union shall acknowledge me, *by a like public act*, both sovereign and *independent*. Are you offended at my freedom of speech? You know that I speak nothing but the plain, naked truth; when I tell you, that the Nations of the Earth can no more notice you, than the Government of a sister State could notice the District of Colleton or Abbeville. Foreign Powers know and can know nothing of our country, but through its *government*: and who knows so little of history, and of Public Law, as not to acknowledge, that *the People and Government of South-Carolina have neither name nor place, in the record of international rights and duties*.† As a Nation, if you ever were one, you are DEAD to all the world. Be not deceived. The dry bones of the perished Confederation possess no talisman power to give you life. The World may be called to gaze on the blockade of your coast; on the alternate execution of Traitors to the State, and Traitors to the Union; on the battlefield of brothers, and the conflagration

* Chs. Pinckney in his Observations on the plan of Government which he submitted to the Convention, says, p. 12, "The States should retain nothing more than mere *local* legislation, which as *Districts* of a *General* Government, they can exercise," &c.

† "It is *only* in our *united* character, that we are known as an empire, that our *independence* is acknowledged, that our power can be regarded, or our credit supported abroad."—*Washington's Lett.* 8th June, 1783, to the *Governors of the States*.—5 *Marsh. Wash. p.* 48.

"The People continued," after the Revolution, "to consider themselves in a *national* point of view as *one* People, and they continued without interruption, to manage their *national* concerns accordingly."—*By Ch. J. Jay*, 2. *Dallas*, 470.

Patrick Henry asked in a public speech at the Hustings, in 1798, "whether the county of Charlotte would have any authority to dispute an obedience to the Laws of Virginia; and he pronounced *Virginia to be to the Union, what the county of Charlotte was to her*."—*Wirt's Life of Patrick Henry*, p. 394.

"The Act of Independence," says Dr. David Ramsay, "did not hold out to the world thirteen *Sovereign* States; but a *common* Sovereignty of the *whole*, in their *united* capacity."—2d vol. *Ramsay's U. S.* p. 174, 5.

We are fallen upon evil times, indeed, when the names and the authority of Washington and Jay, of Patrick Henry and David Ramsay, are despised and rejected by Carolina. But whatever she may think and insist on, the Union and the world will prefer the sentiments of such patriot statesmen, to those of all the politicians of the Carolina school of our day.

of your towns; BUT TO THAT WORLD IT WILL BE THE HISTORY OF A REBELLIOUS PROVINCE, NOT OF AN INDEPENDENT NATION.

Thus have I endeavored to set before you faithfully and fearlessly, what the Nation can do, what the Nation may be expected to do.*

But, I beseech you, mistake me not. I approve no such course. Had I the power and the right to bind the Union, I would have them say to Carolina, "We have resolved to take away every possibility that a drop of blood may be shed, in a contest between yourselves and the Union. We shall therefore remove every soldier from the State, and abandon the fortifications in your harbor. In your safe-keeping, for we at least will trust your faith and honor, are all our munitions of war. On this station, will be kept as usual only the customary naval force, and even that shall be removed, if you request it. Between us there shall be no other law but that of peace, and reason. We will not, in any event, employ the navy, much less the army, or even the militia of your sister States against you. Let the Nation lose millions of revenue, rather than a drop of your blood should be shed, in its collection. We cannot yield our opinion to yours; for a vast majority of the people and of your sister States approve ours and condemn yours; *but let the Union perish before its cement shall be the blood of brothers.* We shall go onward, in what appears to us the path of duty to the Union, and even to yourselves. But if you interfere, we shall not resort to force. Our instructions to our officers will be, in such a case, to employ none against your authority. If you continue in the Union, we are willing to trust to your good sense, and your justice, for indemnity. If you continue not, we are willing to bear the loss, rather than use violence to prevent it. Cost what it may, *we never will employ against BROTHERS the weapons of an ENEMY.* We give you a year to reflect. We beseech you to do it, in calmness and moderation, in the spirit of peace and love. We conjure you to do it, by all that is holy in liberty, commanding in duty, and precious in the recollections of our common history." At the end of that year, I would have the Union ask you to meet in Convention. To that assembly I would have them send a deputation of the wise

* There is one thing more, which the General Government may do, in order to settle the question, which Carolina raises and insists on, as to the *mode* and measure of redress: and that is to submit to the amendatory tribunal of State Legislatures or State Conventions a *declaratory* amendment, on the subject of Nullification or the State Veto, which, as the 11th amendment expounded the 2d Section of the 3d Art. should expound the 9th and 10th amendments, and without acknowledging (for Congress could not acknowledge the right of a State to nullify and arrest an act of Congress) should declare, as the sense of the Amendatory Tribunal, that no State could Constitutionally exercise such a right, under the said amendments, or under any other part of the compact of Union. That such would be the judgment of more than three-fourths of the Tribunal of States cannot be doubted: and as Carolina claims it as a reserved right under the Constitution, she would be satisfied, in such an event, to abandon the ground. May pacific counsels prevail, and such an amendment be proposed! I am aware it has been said, that such a declaration would not be compatible with the true character of an amendment. I have held the same opinion myself: and I still think, that except in so extraordinary a case as the present, the objection is valid; but in such a case as this, I would depart from the common rule for peace-sake.

and venerable men of a former age, one from each of the other States in the Union. These should come to you, in the garments of mourning, and with the deep and solemn feeling of the Priests and Pontiffs, whom the Romans sent to deprecate the wrath of Coriolanus. I would have them address your delegates in that spirit, which breathed the pathetic sentiment, "Daughters of Jerusalem weep not for me, but weep for yourselves and your children." I would have them ask, are you prepared to yield your opinion to that of all your Sisters. If you replied that you were not—I would have them pronounce, in the sublime and affecting language of freemen and brothers, your divorce from the marriage bond of the Union.

Then, had I authority to speak for the sister States, and the National Government, I would have their delegates say to Carolina, in grief not in anger, "Depart in peace. Never shall American blood be shed by us, in civil contest. You have shown, that you know not the character of the Union: that you bear to it no love: that you estimate its value; not by the precious privileges and glorious associations, which dignify and adorn it; but by the ledger and the price-current. You have shown by your Ordinance, that you understand not, or count as nothing, the cardinal principles of American freedom: that you can violate "deliberately, palpably and dangerously," your own and the Constitution of the Union: that you can set at naught the ancient landmarks of legislative power, and the independence of the judiciary, the sanctity of contracts, and the purity of the trial by jury. You have shown, that in the name of Liberty, you can smite and dishonor her: that with her praise on your lips, you have put her to shame by your deeds: THAT YOU HAVE CEASED TO BE AN AMERICAN REPUBLIC. Depart then in peace: with the blessings and the grief, not the curses and wrath of your sisters. Depart until you shall again become worthy of the society of free States, of a place in the Sisterhood of American Republics."

Such would be the sentiments which I should utter, had I power to speak for the rest of the American family. But, it is among rulers, as among individuals. Few have the wisdom to acknowledge or the courage to act on the noble and lovely principles of Christian Peace. The battle ship and the tented field, the sword and the cannon, the science and the stratagems of war, are at once the symbols of power, and the proofs of courage, the logic of Statesmen and the eloquence of Patriots. The very dead, who lie in their gory beds at Lexington and Bunker, at King's Mountain and Eutaw, the victims of foreign bayonets, are invoked to bless fratricide: and "the chivalry of the South," becomes a watchword, to kindle the pride and inflame the passions of brother against brother. And is it to the sordid elements of pride and passion, of selfishness, jealousy and prejudice, that the American Statesman is willing to appeal? Can he consent to make the sword the arbiter, in any event, under any circumstances, between the States themselves, or between one of them and the Union? God forbid that a drop of blood should ever be shed in such a cause. I would have the Union say to South Carolina, "If your people pre-

fer a separate existence, let them have it: if they would rather enjoy foreign dependence on natural enemies, (for that is inevitable) than a brotherly dependence on their own kindred, be it so: if they prefer to the republican government of the Union, the anti-republican Ordinance of their Convention, let them be gratified." But who believes, that the Union will act thus? With the same elements of pride and passion, of selfishness, jealousy and prejudice, which inflame you, can you doubt that the National Rulers, elevated by the consciousness of superior power, will take up the gauntlet, which you have cast at their feet?

For myself, I trust, that I hold with an inflexible conviction the sentiment, that the character of the *Warrior, in any point of view is UNCHRISTIAN, and in civil contest, is absolutely and unchangeably ANTI-REPUBLICAN*. Above all, in our American Republics, so incomparably superior in their elements and structure, to all other governments, ancient or modern, I hold the appeal to arms, on disputed questions of any kind, to be ingratitude to Heaven, treachery to the cause of regulated government, and actual hostility to the highest interests of Freedom. It is the duty of the American family, and their safety and happiness demand it, *that the sword never should be drawn among themselves*. Let them resolve inflexibly, that this shall be the GREAT LAW of their social compact: that the law of violence and blood shall be forever blotted out from the tables of their Law: and the Golden Rule of love, the test of a Christian People, the highest fountain of peace and happiness, the highest security of Freedom herself, the true glory of confederated republics, shall be written there in its stead. All acknowledge the truth, and admire the beauty of these sentiments. And yet, of that ALL, how few have the courage and the wisdom, with a calm and single-hearted, resoluteness of purpose, to take *the only Christian, the only Republican ground*, the sword shall NEVER be drawn by brother against brother, or by brothers against the Family Government of brothers!—Who is so blind as not to see, that the great danger of the American States lies *in the Law of Violence*? Who does not know, that the sword among Freemen, is the assassin's dagger to Liberty? The blood of martyrdom shed on the scaffold, is the very dew of Heaven to perishing liberty; but the blood of civil contest, in a republic, is to her as consuming fire from the bottomless pit. What but the prospect, what but the preparation for *an appeal to the Law of Violence*, could have led your Convention to invade the State and National Constitutions so palpably and deliberately: and to substitute the treacherous beacons of tyranny, for the eternal landmarks of freedom? These infractions are the more dangerous and hostile to freedom; because they are a highway for military power. Already, in the vista may you behold its standard unfurled. Its battle shout is wafted in no faint murmur to your ear, and Liberty stands aghast at the scene. It is a vision of brothers murdered by brothers, of the widow and the orphan, mourning over fathers and sons, kindred and friends, slain by each other. Shall it be but a vision? It must be such, if you will it—

But if you stand by, and speak not the will of a free, enlightened, Christian, peaceful people, it will be your own history, the very next year.

For myself, I protest in the name of the Religion of Peace; in the name of our sister Republics; in the name of Liberty throughout the world; in the name of Washington, Franklin and Jay, against this fratricidal violence, against **THE LAW OF THE SWORD**. I adjure you by the hopes of the noble army of martyrs, on the scaffold of tyranny and at the stake of persecution, to banish forever the law of the sword. I adjure you by the bitter repentance in the eternal world, of the tens of thousands, who have perished in the battle-shock of civil wars, to banish it forever. I adjure you by the countless spirits of her children, whether of the darkest or the brightest ages of Liberty, to banish it forever. I adjure you in the name of the God of our Fathers, who hath given you the noblest inheritance, the most glorious prospects, ever conferred on his children, **TO BANISH FOREVER THE LAW OF VIOLENCE, THE LAW OF THE SWORD**.

I at least have resolved, and may God give me strength to abide by that holy purpose, that come what may, I shall never bear arms in a civil contest. Property, personal liberty, life itself, are my country's. They are in her power. I have loved: I have honored: I have served her. Let her make me a pauper; let her cast me down into the dungeon of her wrath; let her drag me on the traitor's hurdle to the scaffold of her avenging justice; but never can she blot out from my soul a brother's love: never shall she brand that soul with a brother's blood.

Respectfully,
Your fellow-citizen,
THOMAS S. GRIMKÉ.

P. S.—The whole replevin system, apparently contrived so skilfully and efficiently at Columbia, is defeated at once by making the commanding officer at Fort Moultrie the receiver of duties, by requiring them to be paid in specie—and shipping it off, (whenever a sufficient amount is collected) by a national vessel to another port.





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